

spect to two or more functions of the Secretary or the Department, but such consolidation shall not alter the statutory criteria for approval of applications for funding with respect to such functions.

(Pub. L. 96-88, title IV, § 422, Oct. 17, 1979, 93 Stat. 687.)

### § 3483. Working capital fund

#### (a) Establishment; administrative services included

The Secretary, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Department a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interests of economy and efficiency, including such services as—

- (1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components;
- (2) central messenger, mail, telephone, and other communications services;
- (3) office space, central services for document reproduction, and for graphics and visual aids; and
- (4) a central library service.

#### (b) Capital; reimbursement of funds; credit; miscellaneous receipts; transfers

The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates that will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which the Secretary determines, with the approval of the Director of the Office of Management and Budget, will be performed.

(Pub. L. 96-88, title IV, § 423, Oct. 17, 1979, 93 Stat. 687.)

### § 3483a. Department of Education Nonrecurring Expenses Fund

There is hereby established in the Treasury of the United States a fund to be known as the “Department of Education Nonrecurring Ex-

penses Fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Education by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information and business technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 30 days in advance of the specific information and business technology system modernization project or facility infrastructure improvement obligations planned for such amounts.

(Pub. L. 116-260, div. H, title III, § 313, Dec. 27, 2020, 134 Stat. 1609.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is div. H of Pub. L. 116-260, Dec. 27, 2020, 134 Stat. 1547, known as the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was enacted as part of the Department of Education Appropriations Act, 2021, and not as part of the Higher Education Act of 1965 which comprises this chapter.

### § 3484. Funds transfer

The Secretary may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriation for any fiscal year shall be either increased or decreased pursuant to this section by more than 5 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

(Pub. L. 96-88, title IV, § 424, Oct. 17, 1979, 93 Stat. 688.)

### § 3485. Seal of Department

The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

(Pub. L. 96-88, title IV, § 425, Oct. 17, 1979, 93 Stat. 688.)

### § 3486. Annual report

#### (a) Contents

The Secretary shall, as soon as practicable after the close of each fiscal year, make a single,